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Serial No. : **09/493652**
Applicant : Ford et al.
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Examiner : **Mackey**
Docket No. : **4742**
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Commissioner for Patents
P.O. Box 1450
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APPELLANTS' BRIEF ON APPEAL TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

This is appellant's brief on appeal to the Board of Patent Appeals and Interferences, from the final rejection of claims 12 - 25 of the application identified above.

REAL PARTY IN INTEREST

The owner of this application is Neopost Limited, assignee of the inventor's entire interest per a document recorded at reel 010527, frame 0720.

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RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 12 - 25 are now at issue. Those claims, as amended by the enclosed

amendment after final rejection, are reproduced in the appendix at the end of the brief.

STATUS OF AMENDMENTS

All amendments have been entered, except for an amendment submitted herewith to correct typographical errors.

SUMMARY OF THE INVENTION

A mail piece locating apparatus has two guides 10, 12 for engaging respective edges of the mail item at a corner 21 thereof. A sensor unit 22, operative in response to the mail item being located in the predetermined location, includes an elongate face 24 engageable by the mail item. This face is inclined to both the first and second directions, preferably at an angle of 45°, so that it is engaged by the corner of the mail item, whether the mail item is inserted in the first direction, the second direction and any intermediate direction.

ISSUES

The issue on appeal is whether claims 12 - 25 are anticipated by Salomon (U.S. Patent 5640903).

GROUPING OF CLAIMS

For purposes of this appeal, we admit that claims 13 - 15, 17 - 19 and 21 - 22 are not patentable if their parent claims are not patentable.

ARGUMENT

The independent claims (12, 24 and 25) were finally rejected under 35 U.S.C. 102 as anticipated by Salomon.

Claim 12 recites that the face of the sensor unit has *an elongate face* which is engageable by a mail item and is *inclined to both first and second directions* such as to

be engaged by the corner of the mail item where the mail item is inserted in the first direction, the second direction and any direction intermediate thereto.

Salomon does not disclose a sensor unit having an elongate face. The Examiner observed that Salomon's second projection 19b of the arm 19 provides a face for engagement with a mail item, and maintained that a section of the second projection 19b is inclined to first and second directions. The second projection 19b of the arm 19 does not, however, include an elongate face for engagement by the corner of a mail item whether the mail item is inserted in the first direction, the second direction and any direction intermediate thereto. The projection cannot be characterized as an elongate face.

Claim 12 is thus novel over Salomon.

Claim 24 requires that the face of the sensor unit is normally located to extend from adjacent ends of first and second guides across a corner of a predetermined location at which a mail item is to be located.

In Salomon, the second projection 19b of the arm 19 extends into a space between the ends of the first and second registration walls 11,13, but does not extend from adjacent ends of the first and second guides across a corner of the predetermined location. Claim 24 thus is novel over Salomon.

Claim 25 requires, *inter alia*, that the mail location apparatus includes a support platform for supporting a mail item located in a predetermined location at which the mail item is to be located and a reference wall for referencing the mail item located in the predetermined location, and that the face of the sensor unit extends at least beyond the support platform and the reference wall.

Salomon does not disclose or suggest a sensor unit which includes such a face.

In Salomon, the arm 19 is located above the deck portion 9, as a support platform onto which a mail item is fed, and is arranged to move thereover on engagement by the mail item. The arm 19 manifestly does not extend beyond the deck portion 9.

Claim 25 therefore distinguishes over Salomon.

We further submit that dependent claims 16, 21 and 23 are patentable even if claim 12 is not patentable.

Claim 16 recites "an element defining the face engageable by the corner of the mail item, the element being displaceable in a direction inclined to both the first guide wall and the second guide wall". The direction of movement of Salomon's element 19b is along a short arc segment, substantially parallel to his wall 11, and substantially perpendicular to the wall 13. The direction is not substantially inclined with respect to either wall.

Claim 20 recites, in addition to the structure of claim 12, "a support platform for supporting the mail item located in the predetermined location; and a reference wall for referencing the mail item located in the predetermined location; wherein the face of the sensor unit extends at least beyond the support platform and the reference wall." This claim is supported by the last paragraph of the description at page 6 of the specification. The point is to prevent thin mail items from slipping between the walls and the sensor face, possibly jamming the apparatus.

Salomon does not describe the vertical extent of his sensors, and there is no reason to suppose they inherently extend beyond the support platform and the reference wall.

Claim 23 recites that the sensor has a 45° face angle. Salomon discloses no sensor surface making an angle of, or close to, 45° with respect to the guides. The ground of rejection of obviousness over Salomon in view of Beck; however, the examiner did not identify where in Beck structure rendering the 45° limitation obvious is found, and we cannot find such structure or a suggestion to this effect.

For the above reasons, we respectfully submit the rejections ought to be reversed.



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APPENDIX -- CLAIMS ON APPEAL

12. Mail location apparatus operative to locate a mail item inserted thereinto at a predetermined location in first and second mutually perpendicular directions, including:
 - a first guide for engagement by a first edge of the mail item;
 - a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item; and
 - a sensor unit operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide, the sensor unit including an elongate face engageable by the mail item, which face is inclined to both the first and second directions such as to be engaged by the corner of the mail item whether the mail item is inserted in the first direction, the second direction and any direction intermediate thereto.
13. Mail location apparatus as claimed in claim 12, wherein
 - the first guide comprises a first guide wall extending lengthwise in the first direction,
 - the second guide comprises a second guide wall extending lengthwise in the second direction, and
 - the first and second guide walls define the predetermined location.
14. Mail location apparatus as claimed in claim 13, wherein adjacent ends of the first and second guide walls are spaced apart and the face of the sensor unit normally is located to extend between the adjacent ends of the first and second guide walls across a corner of the predetermined location.
15. Mail location apparatus as claimed in claim 14, wherein the sensor unit is responsive to displacement of the face thereof out of the predetermined location.

16. Mail location apparatus as claimed in claim 14, wherein the sensor unit includes an element defining the face engageable by the corner of the mail item, the element being displaceable in a direction inclined to both the first guide wall and the second guide wall by insertion of the mail item into the predetermined location.

17. Mail location apparatus as claimed in claim 16, wherein the element is mounted on a pivot.

18. Mail location apparatus as claimed in claim 16, wherein the sensor unit includes a resilient member operative to urge the element to a location in which the face thereof extends across the corner of the predetermined location.

19. Mail location apparatus as claimed in claim 16, wherein the sensor unit includes a detector responsive to displacement of the element to a position in which the face thereof does not extend across the corner of the predetermined location.

20. Mail location apparatus as claimed in claim 12, further comprising: a support platform for supporting the mail item located in the predetermined location; and a reference wall for referencing the mail item located in the predetermined location; wherein the face of the sensor unit extends at least beyond the support platform and the reference wall.

21. Mail location apparatus as claimed in claim 20, wherein the first and second guide walls extend from the reference wall, and the support platform is displaceable between an open position in which the mail item can be inserted into the predetermined location between the reference wall and the support platform and a closed position in which the mail item located in the predetermined location is held by the reference wall and the support platform.

22. Mail location apparatus as claimed in claim 21 in combination with a print head, wherein the reference wall has an aperture therein, and the print head is selectively operable to print a postal indicium through the aperture in the reference wall onto the mail item located in the predetermined location.

23. Mail location apparatus as claimed in claim 12, wherein the face of the sensor unit is inclined at approximately 45 degrees to the first and second directions.

24. Mail location apparatus operative to locate a mail item at a predetermined location in first and second mutually perpendicular directions, including:

 a first guide for engagement by a first edge of the mail item;

 a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item; and

 a sensor unit operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide, the sensor unit including a face inclined to both the first and second directions and engageable by the corner of the mail item, the face being normally located to extend from adjacent ends of the first and second guides across a corner of the predetermined location.

25. Mail location apparatus operative to locate a mail item at a predetermined location in first and second mutually perpendicular directions, including:

 a support platform for supporting the mail item located in the predetermined location; and

 a reference wall for referencing the mail item located in the predetermined location;

 a first guide for engagement by a first edge of the mail item;

 a second guide for engagement by a second edge of the mail item, the second edge being adjacent to and adjoining the first edge at a corner of the mail item; and

a sensor unit including a face engageable by the mail item, wherein the sensor unit is operative in response to the mail item being located in the predetermined location with the first edge engaging the first guide and the second edge engaging the second guide, the face of the sensor unit being inclined to both the first and second directions such as to be engaged by the corner of the mail item, and extending at least beyond the support platform and the reference wall.